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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/348,634	07/06/1999	YOUNG SIK YOUN	K-093	5523

7590

03/19/2002

THE LAW OFFICE OF FLESHNER AND KIM
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EXAMINER

GESESSE, TILAHUN

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 03/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/348,634

Applicant(s)

YOUN, YOUNG SIK

Examiner

Tilahun B Gesesse

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4, 8-11, 13-14 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Corriveau et al (us 5,991,633).

As to claims 1, 9, 11, 13, 14, 17 Corriveau et al disclose a method for performing a random access in a mobile communication system(10 fig.1), comprising the steps of:

Corriveau et al disclose monitoring at the base station a state of a reverse common channel, (dynamically controlling the length of an R-DATA message on a random access channel, abstract).

Corriveau et al disclose determining state information of the reverse corresponding to a result of the monitoring using one slot allocated to a forward common channel (col. 3 line53-68), and

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Corriveau et al disclose transmitting the state information of respective mobile stations through the forward common channel (col. 4 lines 19-26 and fig. 1).

As to claims 2-3, Corriveau et al disclose at least two channel information bits and one power or reservation control bit, and repeated with an odd number of times (col. 2 lines 37-44 and 25 and 35 and fig.1).

As to claim 4, Corriveau et al disclose the state information of the reverse common channel corresponding to the result of the monitoring determines one of a plurality of preset state information (col.4 lines 13-17),

As to claim 8, Corriveau et al disclose the base station determines the power control command before a starting point of each slot allowed to the reserve common channel, (col.3 lines 54-68 and fig.2).

As to claim 10, Corriveau et al disclose the base station feed back the state information continuously using a portion of broadcasting channel, (fig.1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 5-7,12,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corriveau et al in view of Quick ,Jr.(us 5,673,259).

As to claims 5-7,15, Corriveau et al disclose reserve state information representing a state in which the reverse common channel is reserve state by mobile station (fig.2).

Corriveau et al do not specifically disclose idle- normal state information representing a state in which the reverse common channel is in an idle state and not reserved by a particular mobile station. Quick, Jr discloses idle-normal state information representing a state in an idle state, (the busy/idle bit 922 is "0" state, (col. 17 lines 9-15). It would have been obvious to one ordinary skill in the art at the time of invention was made to modify Corriveau the teaching of idle state and not reserved by a particular mobile station, as disclosed by Quick, Jr. in order to avoid transmission collision and corruption of data, the system determines idle state.

Corriveau et al disclose busy down information representing both a state in which the reverse common channel is in busy state and a command for reducing a transmission power to the mobile station, (col.1 line58-col.2 line 4) and

Corriveau et al disclose busy-up state information representing both a state in which the reserve common channel is in a busy state and a command for boosting a transmission power to the mobile station (col. 4 lines 13-22). It would have been obvious to ordinary skill in the art at the time of invention was made to power up or down based on traffic load of transmission in order to avoid interfering signal.

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As to claim 12, Corriveau et al do not specifically disclose the message transmission is stopped if two idle state slots are detected by the mobile station. However, Quick, Jr. discloses the message transmission is stopped if two idle state slots are detected by the mobile station, (col. 17 lines 39-49). It would have been obvious to ordinary skill in the art at the time of invention was made to modify Corriveau in ceasing transmission based on error detection, as disclosed by Quick, Jr.

Specification

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hakkinen et al disclose power up and power down transmission based on the received signal and the subscriber terminal connection transmit repeatedly on access channel RACH, (col. 3 lines 50-62).

9. ***Any response to this action should be mailed to:***

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6296, (for formal communications intended for entry)

Or:

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*(703) 305-9508 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")*

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington,
VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Tilahun Gesesse whose telephone number is (703) 308-5873..
The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Edward F. Urban, can be reached on (703) 305-4385. The fax phone number for this
Group is (703) 308-6306 or (703) 308-6296.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703) 305-4700.

TBG

Mar. 8, 2002

Tilahun Gesesse
Patent Examiner
Art Unit 2685


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
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